

**IN THE MATTER OF THE APPLICATION OF)
DELMARVA POWER & LIGHT COMPANY FOR) PSC DOCKET NO. 20-0150
AN INCREASE IN NATURAL GAS BASE RATES)
(FILED FEBRUARY 21, 2020))**

Delmarva Power & Light Company (“Delmarva”), the Staff of the Delaware Public Service Commission (“Staff”), and the Delaware Division of the Public Advocate (“DPA”) (together, the “Parties”) hereby move the Delaware Public Service Commission (“Commission”) for an order revoking its delegation of this docket to a Hearing Examiner, approving a form of Public Notice of an evidentiary hearing to be held on January 6, 2021, and approving presentation of a Settlement Agreement directly to the Commission at its January 6, 2021 meeting, and in support state:

1. On February 21, 2020, Delmarva filed an application with the Commission seeking an increase in its natural gas base rates.
2. On March 18, 2020, the Commission entered Order No. 9563, in which it suspended Delmarva's proposed rates and tariff sheets pending the completion of hearings on the justness and reasonableness of the proposed rates and tariff changes and a final Commission decision thereon. The Commission also delegated responsibility for conducting public comment sessions and evidentiary hearings in this docket to Hearing Examiner Glenn Kenton and tasked him with the responsibility of preparing proposed findings and recommendations for the Commission's consideration.

3. Hearing Examiner Kenton approved a procedural schedule pursuant to which evidentiary hearings were to be held on December 3-4, 2020.

4. The Parties have reached a settlement in principle for a \$6.7 million increase in natural gas base rates, which will be submitted to the Commission shortly. The Parties desire to present the Settlement Agreement at an evidentiary hearing to be conducted before the Commission at its January 6, 2021 meeting, without proceeding first through the Hearing Examiner and waiting for his proposed findings and recommendations.

5. The Parties have submitted a proposed form of Public Notice notifying the public that the evidentiary hearing will be held on January 6, 2021 for the Commission's review and approval.

6. The Parties are confident that the testimony they will present to the Commission on January 6, 2021 will persuade the Commission that the proposed Settlement Agreement is in the public interest and will result in just and reasonable rates. Thus, the Parties request the Commission to revoke its delegation of this docket to the Hearing Examiner, approve the proposed form of Public Notice of a January 6, 2021 evidentiary hearing, and grant approval to present the proposed Settlement Agreement and testimony in support of the Settlement Agreement at its January 6, 2021 meeting.

WHEREFORE, the Parties respectfully request the Commission to grant the Motion and to revoke the designation of this docket to Hearing Examiner Kenton, to approve the proposed form of public notice, and to consider the proposed Settlement Agreement at its January 6, 2021 meeting.

Respectfully submitted,

SAUL EWING ARNSTEIN & LEHR

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Counsel for the Delaware Division of the

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Dated: November 19, 2020

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

**IN THE MATTER OF THE APPLICATION OF)
DELMARVA POWER & LIGHT COMPANY FOR) PSC DOCKET NO. 20-0150
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ORDER NO. 9XXX

AND NOW, this 2nd day of December 2020, the Delaware Public Service Commission (the “Commission”) hereby determines and Orders as follows:

WHEREAS, on February 21, 2020, Delmarva Power & Light Company (“Delmarva”) filed an application with the Commission seeking an increase in its natural gas base rates; and

WHEREAS, the Delaware Division of the Public Advocate (“DPA”) filed a statutory notice of intervention in this docket on March 9, 2020; and

WHEREAS, on March 18, 2020, the Commission entered Order No. 9563, in which it suspended Delmarva’s proposed rates and tariff sheets pending the completion of hearings on the justness and reasonableness of the proposed rates and tariff changes and a final Commission decision thereon. The Commission also delegated responsibility for conducting public comment sessions and evidentiary hearings in this docket to Hearing Examiner Glenn Kenton, and tasked him with the responsibility of preparing proposed findings and recommendations for the Commission’s consideration; and

WHEREAS, Hearing Examiner Kenton approved a procedural schedule pursuant to which evidentiary hearings were to be held on December 3-4, 2020; and

WHEREAS, on November 19, 2020, Delmarva, the DPA and the Staff of the Commission (the “Parties”) submitted a Joint Motion advising the Commission that they had reached a

settlement in principle that would increase Delmarva's natural gas base rates by \$6.7 million, and would be presenting a proposed Settlement Agreement shortly; and

WHEREAS, the Parties submitted with the Joint Motion a proposed form of Public Notice for a January 6, 2021 evidentiary hearing for the Commission's approval; and

WHEREAS, in the Joint Motion the Parties requested the Commission to revoke its delegation of this matter to the Hearing Examiner, to approve their proposed form of Public Notice of an evidentiary hearing on January 6, 2021, and to approve the Parties' presentation of the proposed Settlement Agreement directly to the Commission at its January 6, 2021 meeting; and

WHEREAS, the Commission heard the Joint Motion at its regularly-scheduled meeting on December 2, 2020;

NOW, THEREFORE, BY THE AFFIRMATIVE VOTE OF NO FEWER THAN

THREE COMMISSIONERS, IT IS HEREBY ORDERED:

1. The Motion is **GRANTED**.
2. The Commission revokes its delegation of authority to Hearing Examiner Kenton to conduct the evidentiary hearings in this matter. The Commission will conduct the evidentiary hearing in this matter at its regularly-scheduled meeting on January 6, 2021.
3. Delmarva Power & Light Company shall publish public notice of the evidentiary hearing in *The News Journal* on or before December 14, 2020 and shall file the affidavit of publication with the Commission before the January 6, 2021 hearing.
4. The Commission reserves jurisdiction and authority to enter such further Orders as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Chairman

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary

EXHIBIT “A”

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

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NOTICE OF PUBLIC EVIDENTIARY HEARING

**TO: ALL NATURAL GAS CUSTOMERS OF DELMARVA POWER & LIGHT
COMPANY:**

The Delaware Public Service Commission (“Commission”) will conduct a public evidentiary hearing in the above-captioned case (as further explained below) at the following time and location:

DATE & TIME	LOCATION
Wednesday, January 6, 2021, at 1:00 p.m.	PSC Hearing Room* 861 Silver Lake Boulevard Cannon Building, Suite 100 Dover, DE 19904

*Please check the Commission’s agenda for its January 6, 2021 meeting for information regarding the hearing location. If restrictions on public gatherings are still in place due to the State of Emergency, the hearing may be accessible only by teleconference and live video streaming. The agenda will be posted on December 30, 2020, on the Commission’s website: <https://depssc.delaware.gov/public-meetings/>

On February 21, 2020, Delmarva Power & Light Company (“Delmarva”) filed with the Commission an application (“Application”) seeking approval of: (1) an increase in its natural gas base rates; and (2) limited changes to its natural gas service tariff as described in the Application. In its Application, Delmarva seeks an increase in its natural gas base rates of \$14,635,650, or an increase of 9.5% over existing rates.

On July 16, 2020, a Commission hearing examiner conducted a public comment session by teleconference and live stream for the purpose of taking public comment regarding the Application.

On November 17, 2020, the parties to the proceeding reached a settlement in principle that, among other things, would increase Delmarva's natural gas base rates by \$6.7 million ("Proposed Settlement").

The parties intend to present the Proposed Settlement to the Commission at the January 6, 2021 hearing. The Commission will make its decision on this matter on the basis of the record evidence taken at that hearing. The Commission may approve or reject, in whole or in part, the Proposed Settlement, and may approve a different method for allocating any increase that it may grant.

You may review Delmarva's Application and supporting documents by going to DelaFile (<http://delafile.delaware.gov>), the Commission's docketing and file management system, and by searching for Docket No. 20-0150. If you would like to review documents at the Commission's offices, please contact Donna Nickerson at (302) 736-7500 or by sending an email addressed to donna.nickerson@delaware.gov. You may also review copies of Delmarva's Application and supporting documents at the office of the Division of the Public Advocate located at 820 North French Street, 4th Floor, Wilmington, Delaware 19801 and at 29 South State Street, Dover, Delaware 19901. Please call either (302) 577-5077 (Wilmington) or (302) 241-2555 (Dover) to arrange for a time to review the documents at either of those locations.

If you wish to request copies of documents in this matter, you may submit a Freedom of Information Act Request Form. The link to this form can be found on the Commission's website, <http://depsec.delaware.gov>, or by visiting <https://delafile.delaware.gov/Complaints/FOIA.aspx>.

The Commission will respond to your request in accordance with the Delaware Freedom of Information Act, 29 Del. C. ch. 100.

If you have a disability and wish to participate or to review the materials in this matter, please contact the Commission to discuss any auxiliary aids or services you might need to help you. You may contact the Commission in person, by writing, by telephone (including text telephone), by Internet e-mail, or other means.

If you have questions about this matter, you may call the Commission at 1-800-282-8574 (toll-free in Delaware) or (302) 736-7500 (voice and text telephone). You may also send questions regarding this matter by Internet e-mail addressed to psc@delaware.gov with “Docket No. 20-0150” in the subject line.